

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Herbert Dewayne Wesley,

Petitioner

v.

Jerry Howell, et al.,

Respondents

Case No.: 2:20-cv-00783-JAD-BNW

Order Granting Motion for Discovery

[ECF No. 14]

Petitioner Herbert Dewayne Wesley moves to allow him to conduct discovery, arguing that, due to the age of his state-court criminal case, materials that were provided to defense counsel in pre-trial discovery have been lost.¹ He seeks only the materials that the prosecution provided to defense counsel in pre-trial discovery. Respondents do not oppose the motion,² and good cause exists to grant it. So this order sets deadlines for the completion of discovery and for the filing of the amended petition past Wesley's estimate of the expiration of 28 U.S.C. § 2244(d)(1)'s one-year period of limitation.³ This is not an extension of the period of limitation. As always, Wesley remains responsible for accurate calculation of the one-year period of limitation.

IT THEREFORE IS ORDERED that the motion for discovery [ECF No. 14] is **GRANTED. Discovery must be completed by January 18, 2021.**

¹ ECF No. 14.

² ECF No. 15.

³ See ECF No. 14 at 5.

1 IT IS FURTHER IS ORDERED that **petitioner will have until February 16, 2021, to**
2 **file an amended petition**, after which the schedule for filing an answer or motion to dismiss
3 and subsequent briefing that is set forth in the order dated June 30, 2020, (ECF No. 11) will
4 apply. Dated: November 18, 2020

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U.S. District Judge